

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRUCE R. MERRYMAN	§	
VS.	§	CIVIL ACTION NO. 1:20-cv-392
LORIE DAVIS, ET AL.	§	

ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Bruce R. Merryman, a prisoner confined at the LeBlanc Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Lorie Davis and Aaron Thompkins.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting Defendants' Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Report and Recommendation.

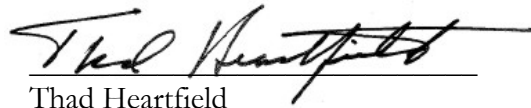
Plaintiff's 44-page objections vastly exceed the 8 pages allowed by Local Rule CV-72(c). Although the objections could be stricken for failing to comply with the Local Rules, the court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

This action concerns Defendants' early response to the COVID-19 pandemic. Plaintiff has repeatedly attempted to supplement the Complaint with unrelated claims and claims that arose after this action was filed. Those motions to supplement the Complaint were denied by the magistrate judge. In his objections to the Report and Recommendation, Plaintiff again raises wide-ranging claims concerning the conditions of confinement throughout the Texas prison system, new claims and allegations concerning the early response to COVID-19, and other events that took place after this action was filed. For the reasons stated by the magistrate judge in denying Plaintiff's previous motions to supplement the Complaint, Plaintiff's current attempt to supplement the Complaint should be denied. After careful consideration, the court concludes the objections are without merit and Defendants' Motion to Dismiss should be granted.

ORDER

Accordingly, Plaintiff's objections (doc. #116) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (doc. #106) is **ADOPTED**. Defendants' Motion to Dismiss (doc. #71) is **GRANTED**. A final judgment will be entered in accordance with the magistrate judge's recommendation.

SIGNED this the **28** day of **September, 2022**.


Thad Heartfield
United States District Judge